

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MIDCAP BUSINESS CREDIT, LLC, :
: Plaintiff, :
-against- :
: :
MIDCAP FINANCIAL TRUST, MIDCAP : **ORDER**
FINANCIAL SERVICES, LLC, MIDCAP :
FINANCIAL SERVICES CAPITAL :
MANAGEMENT, LLC, MIDCAP FINCO :
DESIGNATED ACTIVITY COMPANY, and :
APOLLO CAPITAL MANAGEMENT, L.P., :
: Defendants. :
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ALVIN K. HELLERSTEIN, U.S.D.J.:

WHEREAS the Court of Appeals has remanded the above-captioned case for certain deficiencies, the Court will re-hear the motion to dismiss filed by MidCap Financial Trust, MidCap Financial Services, LLC, MidCap Financial Services Capital Management, LLC, MidCap FinCo Designated Activity Company, and Apollo Capital Management, L.P. (collectively “Defendants”). The parties are invited to submit supplemental briefings no later January 19, 2023.

SO ORDERED.

Dated: January 9, 2023 New
York, New York

/s/ Alvin K. Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge